

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re AMANDA M. et al., Persons Coming  
Under the Juvenile Court Law.

B175784  
(Los Angeles County  
Super. Ct. No. CK46518)

LOS ANGELES COUNTY  
DEPARTMENT OF CHILDREN  
AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

TERRY M.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Stephen Marpet, Referee. Reversed and remanded with direction.

Marsha Faith Levine, under appointment by the Court of Appeal, for Defendant and Appellant.

Raymond G. Fortner, Jr., County Counsel, and Judith A. Luby, Senior Deputy County Counsel, for Plaintiff and Respondent.

Father appealed a juvenile court order denying a Welfare and Institutions Code section 388 petition. Father claimed that the Los Angeles County Department of Children and Family Services (DCFS) did not provide proper notice under the Indian Child Welfare Act (ICWA). The DCFS agrees that ICWA notice was not proper and the case must be remanded for proper ICWA notice.

Other than claiming that ICWA notice was not proper, father has not, on appeal, raised any other arguments, substantive or procedural, that the trial court erred by denying the section 388 petition. Thus, father has waived or abandoned any other arguments he might have raised attacking the order denying the section 388 petition. (*TME Enterprises, Inc. v. Norwest Corp.* (2004) 124 Cal.App.4th 1021, 1038.)

### **DISPOSITION**

Based upon the foregoing, the juvenile court order denying Father's Welfare and Institutions Code section 388 petition is reversed and this action is remanded to the juvenile court for the DCFS to comply with the ICWA notice requirements. After Indian entities receive proper notice under the ICWA, if the children--Amanda, Andrew, Zachary or Nicholas--are determined not to be Indian children and the ICWA does not apply, the juvenile court shall reinstate the previous order denying father's section 388 petition.

Alternatively, after Indian entities receive proper notice under the ICWA, if the children are determined to be Indian children and the ICWA applies to these proceedings, Father is entitled to petition the juvenile court to invalidate orders which violated 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C. § 1914; Cal. Rules of Court, rule 1439(n); *In re Marinna J.* (2001) 90 Cal.App.4th 731, 740; *In re Desiree F.* (2000) 83 Cal.App.4th 460, 477-478.)

### **NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

KITCHING, J.

We concur:

CROSKEY, Acting P.J.

ALDRICH, J.